

Unofficial Draft Copy

As of: June 11, 2018 (9:56am)

LCdoj2

**** Bill No. ****

Introduced By *****

By Request of the *****

****For discussion purposes by the STRC at its July 2018 meeting.****

A Bill for an Act entitled: "An Act revising laws related to missing persons reports; requiring all law enforcement authorities to accept a report; providing exceptions; and amending sections 44-2-502, MCA, and 44-2-504, MCA."

Be it enacted by the Legislature of the State of Montana:

NEW SECTION. **Section 1. Missing persons reports -- legislative intent.** (1) All law enforcement authorities in the state shall accept, without delay, any report of a missing person unless there are extenuating circumstances, including:

(a) the law enforcement authority knows the location of the person reported missing;

(b) the law enforcement authority confirms the safe status of the person reported missing;

(c) the law enforcement authority confirms that another law enforcement authority has or will accept a missing person report for the person; or

(d) other circumstances documented by the law enforcement authority.

(2) All missing person reports must be entered into the database of the national crime information center of the United States department of justice within:

Unofficial Draft Copy

As of: June 11, 2018 (9:56am)

LCdoj2

(a) 2 hours of receipt for persons under 21 years of age;
and

(b) 8 hours of receipt for persons 21 years of age or older.

(3) If a missing person is not located within 30 days, the law enforcement authority that took the report shall ensure a complete and accurate record of information is compiled for the missing person, including a photograph if one is available.

(4) The legislature intends the phrase "law enforcement authority" to be interpreted broadly in this part as inclusive of local, state, tribal, and federal authorities. While recognizing that the legislature cannot compel compliance from federal or tribal authorities, the legislature encourages all law enforcement authorities to work cooperatively to report and investigate cases of missing persons in the state.

Section 2. Section 44-2-502, MCA, is amended to read:

"44-2-502. Definitions -- legislative intent. (1) As used in this part, the following definitions apply:

(1)(a) "Missing child" means any person who has been reported as missing to a law enforcement authority and:

(a)(i) who is under 21 years of age;

(b)(ii) whose temporary or permanent residence is in Montana or is believed to be in Montana; and

(c)(iii) whose location has not been determined.

(2)(b) "Missing child report" means a report prepared on a form designed by the department of justice for use by private citizens and law enforcement authorities to report information

Unofficial Draft Copy

As of: June 11, 2018 (9:56am)

LCdoj2

about missing children to the missing children information program provided for in 44-2-503.

(2) The legislature intends the phrase "law enforcement authority" to be interpreted broadly in this part as inclusive of local, state, tribal, and federal authorities. While recognizing that the legislature cannot compel compliance from federal or tribal authorities, the legislature encourages all law enforcement authorities to work cooperatively to report and investigate cases of missing persons in the state.

{*Internal References to 44-2-502: None.*}

Section 3. Section 44-2-504, MCA, is amended to read:

"44-2-504. Reports to missing children information program.

(1) All ~~state, county, and municipal~~ law enforcement authorities in the state shall submit information regarding a missing child to the missing children information program provided for in 44-2-503 ~~any missing child report and other information required by 44-2-401.~~

(2) Any parent, guardian, or legal custodian may submit a missing child report to the missing children information program on any child whose whereabouts is unknown, regardless of the circumstances, subsequent to making a report to the appropriate law enforcement authority ~~within the county in which the child became missing.~~

(3) The parent, guardian, or legal custodian responsible for notifying the missing children information program or a law enforcement authority of a missing child shall immediately notify

Unofficial Draft Copy

As of: June 11, 2018 (9:56am)

LCdoj2

the authority and the program of any child whose location has been determined."

{*Internal References to 44-2-504: None.*}

NEW SECTION. **Section 4. {standard} Codification**

instruction. [Section 1] is intended to be codified as an integral part of Title 44, chapter 2, part 4, and the provisions of Title 44, chapter 2, part 4, apply to [section 1].

- END -

{Name : Hope E. Stockwell
Title : Research Analyst
Agency : LEPO
Phone : 444-9280
E-Mail : hstockwell@mt.gov}